

Remarks/Arguments

Claims 1-5, 7-10 and 12-17 are pending in this application, and are rejected in the final Office Action of June 1, 2007. No claim amendments are presented herein. However, a listing of the pending claims in this application is included in this response for the Examiner's convenience.

Rejection of Claims 1-5, 7-10 and 12-17 under 35 U.S.C. §102(e) as being anticipated by Chan et al. (U.S. Patent No. 6,233,683).

Claims 1-5, 7-10 and 12-17 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,233,683 issued to Chan et al. (hereinafter, "Chan"). Applicants continue to respectfully traverse this rejection since Chan fails to teach or suggest each and every limitation of independent claims 1, 10 and 14. As such, these independent claims, and the claims that depend therefrom, are not anticipated by Chan.

Applicants first note that independent claims 1, 10 and 14 recite:

"receiving the integrated circuit card into the terminal;
receiving via the terminal an input selecting content provided from the server;
verifying that an entitlement contained in the integrated circuit card is correct for receiving the selected content;
receiving the selected content from the server via the terminal in response to the verification;
storing the selected content in a memory of the terminal that is spaced apart from the integrated circuit card; and
verifying that the entitlement is correct for reuse of the selected content when reuse of the selected content is attempted." (emphasis added; see claim 1),

"a processor for processing the download of the content from the server, a memory for receiving and storing the downloaded content, and an interface circuit for receiving an integrated circuit card;

wherein the integrated circuit card is spaced apart from the memory;

wherein the integrated circuit card provides an entitlement message enabling said apparatus to download the content from the server, the integrated circuit card containing an entitlement database for storing a plurality of entitlement messages each associated with particular content; and

wherein the integrated circuit card provides the entitlement message enabling said apparatus to reuse the content after being downloaded from the server and stored in the memory. (emphasis added; see claim 10), and

"a receiver communicatively coupled to the server and adapted to receive reusable content from the server;

an integrated card interface adapted to receive an integrated circuit card;

a memory spaced apart from the integrated circuit card;

a processor coupled to the receiver, the integrated card interface, and the memory, ***the processor enabling the reusable content from the server to be received and stored in the memory in response to entitlement information received from the integrated circuit card via the integrated card interface, the processor enabling reuse of the reusable content stored in the memory in response to the entitlement information received from the integrated circuit card via the integrated card interface.*** (emphasis added; see claim 14)

As indicated above, independent claims 1, 10 and 14 define a method and apparatus for using an integrated circuit card to facilitate downloading of content from a server to the apparatus (i.e., terminal), and use of the content via the apparatus. Chan fails to teach or suggest at least the following elements of independent claims 1, 10 and 14.

According to independent claims 1, 10 and 14, downloaded content is stored in a memory of the apparatus (i.e., terminal) that is spaced apart from an integrated circuit card which is received into the apparatus. That is, the memory and the integrated circuit card of the claimed invention are two separate elements and perform two different functions. In contrast to independent claims 1, 10 and 14, Chan discloses a system, implemented in software on a smart card, which enables the downloading of new applications directly to the smart card itself (see,

for example, column 5, lines 25-28). In other words, the claimed invention defines a configuration in which downloaded content is stored in a memory of the apparatus (i.e., terminal) that is spaced apart from the integrated circuit card, whereas Chan discloses a configuration in which downloaded content is stored directly on the smart card itself. Chan does not teach or suggest storing downloaded content in any memory other than the ones included on the smart card.

On page 3 of the final Office Action dated June 1, 2007, the Examiner responds to the foregoing argument by stating:

“With respect to ‘the integrated circuit card is separate from the memory’, please refer to Chan Fig. 1 and 2 and the corresponding description, for relevant information wherein content is stored in a memory of the terminal that is separate from the integrated circuit card. Furthermore, the applicant has not explicitly claimed ‘a memory of the terminal’ that is the heart of the invention.” (emphasis added)

As indicated above, the Examiner ostensibly alleges that Figs. 1 and 2 disclose a configuration in which content is stored in a memory of a terminal that is separate from the integrated circuit card. Applicants respectfully disagree. In particular, Applicants first note that Fig. 1 of Chan simply shows a block diagram of a smart card 5 which includes memories 14, 16 and 18. Fig. 2 shows a block diagram of software layers which can be utilized in a smart card. That is, Figs. 1 and 2 of Chan simply disclose details of an exemplary smart card and its software. Chan does not teach or suggest storing downloaded content in any memory other than the ones included on the smart card.

Also indicated above, the Examiner alleges that “the applicant has not explicitly claimed ‘a memory of the terminal’”. Again, Applicants respectfully disagree. In particular, Applicants note that independent claim 1 expressly recites “storing the selected content in a memory of the terminal that is spaced apart from the integrated circuit card”. Moreover, independent claim 10 expressly states that the claimed apparatus comprises “a memory for receiving and storing the downloaded content” and that “the integrated circuit card is spaced apart from the memory”. Similarly, independent claim 14 expressly states that the claimed

apparatus comprises "an integrated card interface adapted to receive an integrated circuit card" and "a memory spaced apart from the integrated circuit card". Accordingly, Applicants have in fact explicitly recited "a memory of the terminal", contrary to the Examiner's allegations. Accordingly, as indicated above, the claimed invention defines a configuration in which downloaded content is stored in a memory of the apparatus (i.e., terminal) that is spaced apart from the integrated circuit card, whereas Chan discloses a configuration in which downloaded content is stored directly on the smart card itself. This is a fundamental difference between the claimed invention and Chan, and because of this difference alone, the instant rejection should be withdrawn.

The instant rejection should also be withdrawn for at least the following independent reason. On page 3 of the final Office Action dated June 1, 2007, the Examiner alleges that the step of "verifying that the entitlement is correct for reuse of the selected content when reuse of the selected content is attempted" cited in independent claim 1 is disclosed by column 12, line 14 through column 13, line 18 of Chan. Applicants note that independent claims 10 and 14 include similar limitations, but are expressed in apparatus format. In this manner, the Examiner ostensibly alleges that the "signature" which is preloaded onto the smart card of Chan corresponds to the claimed "entitlement"/"entitlement message"/"entitlement information" of independent claims 1, 10 and 14, respectively (see, for example, page 3 of the final Office Action dated June 1, 2007).

In response, Applicants again note that Chan fails to teach or suggest, *inter alia*, "verifying that the entitlement is correct for reuse of the selected content when reuse of the selected content is attempted" as recited in independent claim 1, "wherein the integrated circuit card provides the entitlement message enabling said apparatus to reuse the content after being downloaded from the server and stored in the memory" as recited in independent claim 10, or "the processor enabling reuse of the reusable content stored in the memory in response to the entitlement information received from the integrated circuit card via the integrated card interface" as recited in independent claim 14.

In particular, column 12, line 14 through column 13, line 18 of Chan does not teach or suggest using the "signature" stored on the smart card as a basis for determining whether content may be reused, as claimed. Rather, the cited passage of Chan teaches that the "signature" is used to determine whether an application can receive personalized data (see, for example, column 12, lines 44-49 describing steps 1220-1224 of FIG. 12B), and for decrypting personalized content (when encrypted) prior to activating the application (see, for example, column 12, lines 49-53 describing steps 1226-1230 of FIG. 12B). Applicants note that neither of these uses of the "signature" taught by Chan corresponds to "verifying that the entitlement is correct for reuse of the selected content when reuse of the selected content is attempted" as recited in independent claim 1, "wherein the integrated circuit card provides the entitlement message enabling said apparatus to reuse the content after being downloaded from the server and stored in the memory" as recited in independent claim 10, or "the processor enabling reuse of the reusable content stored in the memory in response to the entitlement information received from the integrated circuit card via the integrated card interface" as recited in independent claim 14.

In view of the foregoing remarks/arguments, and given the fact that Chan fails to teach or suggest each and every limitation of independent claims 1, 10 and 14 and their respective dependent claims, Applicants respectfully request that the instant rejection be withdrawn.


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Conclusion

Having fully addressed the Examiner's rejection it is believed that, in view of the preceding remarks/arguments, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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